

## **Transcript of Helping Children in Foster Care Succeed in School May 14, 2012**

Ms. Luetkemeyer: Good morning this is Bev Luetkemeyer. Donna Cash and I are going to talk with you today about helping children in foster care make seamless translations and be better served through the educational system. We planned in some time at the end of our presentation to take questions, and you can -- so you will send your questions through Adobe Connect by typing them in. Please don't include student specific questions, though. Donna and I can be reached here at the department with student specific questions. And our contact information will be provided later in the webinar. When all is said and done, the question and answers from this webinar will be posted on the website. And the event itself, it will be recorded there so that if you know people that wanted to participate today but didn't get a chance to log in, they can go there and get the same information. So the first part of this presentation we're going to cover is going to be specifically about Special Education transfers. Many kids in foster care also have IEPs, so this is an important thing to discuss. It is really important to ensure a timely and seamless transfer from one school district to another for students with disabilities, including those foster care students. The procedures for the transfer of foster care children with disabilities is the same as the procedure for any other child with a disability. In some cases students arrive at their new school with complete copies of the evaluation reports and IEPs. In other cases students enrolled with some pretty sketchy information with their provider past services. Our goal today is to help district staff to handle transfer of students with disabilities in such a way that students are provided a free, appropriate public education in their new receiving school such as they are provided in their previous sending school. Now, let's look at some suggested procedures and practices that districts should have in place to immediately identify when a student with a disability transfers into the district. The first place to begin determining if a new student is a student with a disability is through the enrollment process. It is important to know who in your district is responsible for this initial contact. In some districts this could be the school building secretary or the school counselor. In other districts it could be the principal or the registrar. No matter whom it is, these staff should be trained to listen and look for indications that the new enrollee

is a student with a disability. Since not all new students arrived at the new school with IEP and evaluation report in hand, look for copies of Special Education records, enrollment forms that indicate Special Education or Special Ed services of some type. Records of past educational testing, student assistance team referrals, response to intervention data reports or other such information, listen for descriptions of extra academic help and instruction, special arrangements, descriptions of meetings that indicate the special education process was in effect. It is really important to check your enrollment form to be sure it uses common language. For instance, a school district referred to its Special Education program as exceptional services. On the enrollment form it asked the question did the student receive exceptional services at the previous school. Parents when filling out this form didn't check that box. And then that Special Ed director was constantly finding that she had kids enrolled in her school that are idea eligible that nobody knew. So they finally did some backtracking and found that form and, you know, parents that had their children enrolled in other school districts where Special Education was not referred to as exceptional services didn't recognize the question that was being asked of them. They really didn't feel that their children had been receiving exceptional services. So that was a problem they were able to resolve so they were able to get kids enrolled and transfer students taken care of. I'm getting a message that I need to talk a little louder so I will pump it up a little. Another thing that you want to check on your form is and train your staff as well is to ask about whether a child is in foster care. Because when a child is in foster care, the foster care educational liaison at your school district should be involved in the transfer student process as well. So it just helps to have that person in there that knows all the complexities of the foster care system to help the child in foster care to make a seamless transfer. Idea requires receiving school districts to take reasonable steps to obtain the child's records, including the IEP and evaluation report. It also requires sending schools to make every effort to accommodate these requests for records. We're lucky that in Missouri the safe schools act goes even farther in regards to students' records. It requires that receiving school districts request student records within two days of enrollment. Sending Missouri school districts are required to send records within five business days of receiving a request for records. Now, does this happen in every case? Probably not. But since the safe schools act was in effect, I believe there's a much better record in the state of transferring those student records in a timely manner. Sometimes school records are delayed because the sending district is waiting for a library fine to be paid or for a side release of information from the receiving school district. It is important to remember that the family educational and rights privacy act does not require signed release of information to send the student's educational records to the district in which the student plans to enroll. It also does not allow records to be delayed for fines. Once the

sending school has been notified that the student has transferred to a new school, copies of the educational records should be provided to the receiving school. It is also very important to note that the receiving school cannot keep a student out of school pending the receipt of school records. In other words, districts cannot refuse to allow a student to begin attending school on the basis of waiting for the receipt of the Special Education records for a student. So what do you do if you suspect that a student is a student with a disability and they have an IEP, but you don't have a copy of the student record? This is when the interview process will prove invaluable. Interviews can be in person or over the phone. Reviews should be conducted with the student's parents or foster parents or guardian with previous school staff such as the Special Education teacher, school counselor, the building principal, the Special Education process coordinator or other appropriate personnel. Sometimes interviews with the students themselves can provide a better picture of the types and amounts of services that a student received at their previous school. It is important to get data about the date of the most recent evaluation and the eligibility determination as well as the date of the most recent IEP and a general picture of the contents, including the present levels of performance, goals, Special Education and related services that the IEP calls for, the placement of the student as well as any accommodations and modifications that the student may require. Remember to ask about special considerations including behavior intervention plans, transportation and the need for assistive technology as well. I'm going to take a quick break and switch headphones. We're going to see if the other one has a better mic. Transfer students are specifically addressed in section 300.323 of the individuals with disabilities education improvement act with the title of when IEP's must be in effect. This slide shows the exact wording of the subsection e, which describes in-state transfers and subsection f, which describes out-of-state transfers. It is clear that the intent of the idea is that students with disabilities who had an IEP in effect at their previous school continue to receive a free and appropriate public education without interruption. So let's begin by looking at the key question. Is there reason to suspect that the new student is a student with a disability based on enrollment paperwork, interviews and/or student records? If the answer is no, then the district should enroll the student in general education following district policy procedure and practice. This is a good time to check to see if this student is in the foster care system because you would still want to get that educational liaison at your district involved with the transfer of this student or any student is in the foster care system to help facilitate and meet that child's educational needs. But Regarding students with disabilities, if the answer is yes, you have a reason to suspect that the child has an IEP or is eligible for Special Ed, then the next question to ask is, is the student transferring from in state or out of state? There are some differences between what is required based upon where the student is

transferring from. The model forms are specifically designed to address the required considerations of each of these situations. In addition, the students and indicators manual describe the steps in the process clearly for both in state and out of state options. So you are encouraged to take advantage of the state forms and use them or your own forms that do the same job. Regardless of whether the student is transferring from in state or out of state, idea makes it clear that must be provided. There should be no delay in providing Special Education related services to students with disabilities that transfer between schools. Those services can be provided by accepting the previous school's IEP, the receiving school developing a new annual IEP or the receiving school providing comparable services to the previous IEP until a new annual IEP can be developed. If your district decides to accept the IEP from the previous school that means that the IEP from the previous school can be implemented exactly as written. That means you cannot make an amendment to a transfer IEP since it has to be implemented as written. If or when the team determines that the previous IEP is no longer appropriate or cannot be implemented as written, the previous IEP is rejected and a new annual IEP must be developed. Remember that there's no longer the need to develop an interim IEP. The IEP team will be developing the annual IEP at this point and the annual IEP can be amended or rewritten as the IEP determines as is necessary for the individual student. The department has a model form to help document the transfer student process. Remember, that while it is not mandatory to use the form, there needs to be some mechanism for a district to collect and document the information and dates associated with the student's transfer into your district. The model form provides a place to document the new student's demographic information as well as the date of the enrollment and the first date of attendance in the receiving school district. It also provides a place to document the contact information for the previous school and interview results. School districts must document their decisions about the IEP and the evaluation report whether they are accepting or rejecting those documents. It is important to document the date these documents were received and what decision was made about them. It is also important to conduct reevaluations in IEP meetings in a timely manner when they are required. Similar to the IEP when an evaluation report is received at transfer, the receiving school district must make a decision about whether to accept or reject the evaluation report. The receiving district can accept an evaluation report at transfer if it meets compliance requirements. If the evaluation report is rejected at transfer, a reevaluation should be conducted while Special Education services are being provided to the child. A team of qualified professionals will meet to determine continued eligibility at the culmination of the reevaluation. Now most of the time children in the custody of the Children's Division will have a foster parent. So they won't need an educational surrogate. The local school

district should be prepared to follow their process for identifying the need for an educational surrogate. All right. Well, this slide tells you where you can find more information. There's a transfer student webinar From October 26, 2011, that provides a lot more detail than what we're going to go into today in this webinar about the idea transfer student process or you can call the office of Special Ed Compliance at 751-0699. And there's also a link to our good old pass the mic over to Donna, and she's going to talk about Senate Bill 291.

Ms. Cash: Good morning. This is Donna Cash. I work in the federal compliance section here at the department of education. I actually do Title I compliance for the charter schools in St. Louis and Kansas City areas, and I also do homeless McKinney-Vento coordination for the state, and I'm also in charge of the foster care connections and foster care liaisons for the state. I'm going to go ahead and give you my contact information and I will repeat it later on before we finish the webinar. My direct e-mail is Donnaa.Cash@desmo.gov. My direct line is 573-522-8763. Again that's 573-522-8763. So Bev talked to you this morning just a little bit about idea and Special Ed when it comes into place for our foster care kiddos, but this morning I'm going to talk about Senate Bill 291. Now Senate Bill 291 was put into law a few years back. In fact, it was back in 2009 that Missouri Senate Bill 291 dealing with the foster care educational Bill of rights went into play. In September of 2009 your school district superintendents or administrators would have received a memo from our general counsel, Chris morrow, addressing Senate Bill 291 and outlining those provisions as they deal with Senate Bill 291. So let's just dive right in. If you have questions, we suggest you put questions into the question and answer pane and we will answer those as we come to them. So Senate Bill 291 the foster care education Bill of rights, as I've already said, was put into place by our Missouri legislators, and it ensures that foster care kiddos don't fall through the cracks when they are receiving an education. There is actually two parts to Senate Bill 291. There's sections 167.018 and 167.019. And as I said earlier, it became effective in august 28, 2009. So let's look at section no. 168.018. What that section actually did was it designated -- it required school districts or LEA's, including charter schools to designate a staff person as educational liaison for foster children. It is still to your McKinney-Vento homeless liaisons. We've found as we've collected information from leas, that also our McKinney-Vento homeless liaisons are one and the same they also do foster care. They may also be your foster care educational liaison. We also have that information available on our website. So if you just go to [www.dese.mo.gov](http://www.dese.mo.gov) and on the left-hand side you will see a Google search engine. Just go to the Google search engine and type in foster care and hit that search, and it should pop you new that first link should pop you into our foster care liaison page. It has a copy of the Senate Bill 291 and

it has a copy of the school memo that was sent back out in 2009 by our general counsel. What it has more importantly than that, is a list of all of the local homeless -- pardon -- foster care liaisons for the state. That list at one time was kind of fractured and it wasn't always complete. But we should have a complete list actually out on our website. For those of you in the school district who collect core data or are the foster care liaisons and say next school year you are not going to be the foster care liaison, actually someone else is going to take over foster care liaison duties, that would need to be updated in this core data screen, screen three of school district contacts. So the education liaison for Senate Bill 291 are given some very specific duties. One of those is to ensure and facilitate that foster care kids have the correct educational placement while they are in foster care. So what they are to do, the foster care liaisons are to ensure that there's that transfer of credits and records and grades in a timely manner, and I think Bev has already touched upon this, and it's very similar to what we see in idea. The school districts when they are requested should be sent out within two days, and those submitted within three business days of receiving a request. So there are some very specific timelines in Senate Bill 291 that leas should be addressing when they are asked for or asking for foster care children's records. Another part of that 167.019 of Senate Bill 291 also states that schools and the children who reside in those districts should have diplomas given to the foster care students as long as they complete the district's graduation requirements. It may require that you and the previous district are talking and communicating back and forth about what classes transfer into your district, at what level do they transfer into, so there's going to have to be some open communication between the school of residency and the school of origin or vice versa. Then in Senate Bill 291 in that same section, 167.019, there is also a provision that says that foster care students who are absent from school due to a change in their placement or because of a verified court appearance or court-ordered activity, whether that's counseling or reevaluation activities with their parents, if they have those type of absences the grades and credits that would have been calculated for that date for the school year you cannot lower those grades as a consequence of that absence. Let me give you an example of that. Let's say that your school district requires that every child dress out every day for physical education. And you have a foster care child who misses a day of PE or a day of school because of a change in his placement or her placement; you could not dock that student's grade for that absence for that day as long as it was a court-ordered activity. And also in that section and it is subject to federal law. School districts have to permit access of foster care student records to any agency that is placing them for educational case management responsibilities. What we're asking you to do is if you are working with case managers in the children's division, that you are actually working with them and helping them get records that they need so that they

can all make a very well-determined placement for that particular foster child. Now one thing that we do want to address as we're talking about Senate Bill 291 is the transportation part of Senate Bill 291. If you would read Senate Bill 291, there actually is nothing in it that addresses foster care transportation. That's the one piece of this Bill, Senate Bill 291, that differs completely from McKinney-Vento. Don't get the two confused. Under McKinney-Vento you are responsible for the transportation cost of the homeless child; you split it whether it is the district of origin or district of residence. Under Senate Bill 291 there is nothing that addresses transportation. What we did in our September 30th, 2009, memo that was sent out by our general counsel is we gave you some options about transportation for our foster care kiddos. You can look at those options further too if you want to pull up Senate Bill 291 and take a look at those. Some of those options requires the district to get pretty creative with transportation just so like we do with McKinney-Vento students. There is some options about traveling back to the school of origin or perhaps the foster parents are driving the children or buses meeting at boundaries, which we typically see a lot of. And someone has asked me, would you please clarify the definition of foster care for the purposes of this Bill. Senate Bill 291 foster care would be any child who was a part of the social service and had been placed in family services division custody. They have gone through adjudication. What we mean by adjudication is something -- it is a legal term where that foster care child has gone in front of a judge and for whatever reason, they have either terminated parental rights, and they have given custody over to the division of family services. What it means that child is no longer with a parent or legal guardian; they are now part of the state of Missouri's responsibility under children's division. So they would not be classified as McKinney-Vento, if that case if they have gone through add Judd indication they would be part of foster care. I hope that answers that question. Let's get back to transportation. Transportation of foster care kids was not addressed in Senate Bill 291. We're asking that transportation that you work with families who have these children in their care so that transportation could be arranged so that that child could go back to the school of origin with possible. As I said before, you may have to get pretty creative with that. We will have some districts, like I said before I answered that question, maybe meet at boundaries. We also have some districts that work with different agencies trying to provide transportation. It is going to require some out of the box thinking for school districts to provide that transportation. There's nothing in Senate Bill 291 that says school districts are required to provide reimbursement for foster care transportation. I had that question earlier last week there a school district said that they were getting billed for foster care child. It is not like McKinney-Vento where you can Bill the district for the foster care student. There is nothing in Senate Bill 291 that says that is a requirement that was all we had today.

And I will give you my contact information again. My e-mail again is donna.cash@dese.mo.gov. My direct line number is 573-522-8763. For more information on foster care we do have our website available. Just type in www.dese.mo.gov to reach the main page and type in the Google search engine foster care and it should have several questions. At this time we'll take Q and A, if you have any questions, type them in and submit those questions. We did offer a Q and A option for people to submit questions. So if you missed that opportunity and didn't get to send in your question to us, you can certainly do that after the webinar, and we'll be more than happy to answer those questions. We had another question from the webinar today and the question was what statutes or rules prohibits lea's from delaying enrollment until prior school records are received? Bev is going to look into that for you. She'll research that and post that answer on the Q and A because it is not a simple, you know, here is the law or here is the statute. It is a little more involved in that. She wants to make sure she get them all up there for you. The next question I have is how can we get a copy of the closed-captioned part of this presentation? And you can actually do that by requesting that to Lina browner in our Special Ed section. Her e-mail is just Lina.browner@dese.mo.gov. And she would be happy to send those out to you. The next question we have is who is responsible -- whose responsibility is it to sign things like consent for Special Education processes, the Foster Care Parents or Division of Children's Foster Services? Bev is telling me that when the child has a foster care parent in place, then they are the person who would sign consents for like those special circumstances that you would need a parental signature. And then I've got a question about where we can get more information on the McKinney-Vento students, that is homeless students. It can be sent on the website go into www.dese.mo.gov and type in homeless and that will pop up the very first link for you. The next question we have is, are educational surrogates responsible for school enrollment during these transfer phases? Bev, can you give us an answer for that?

If they have a foster care parent or foster care children they are not required to have a surrogate because the foster care parents are acting as the parent for that child. And if there is no foster care parent in the picture, then you could work with your division of family services social worker to get that information or give that information during enrollment. So those are the people that you should be going to so the surrogates would not step in and take that role as a parent. Bev is telling me also it will take you longer probably to have a surrogate assigned to you versus a foster care parent. That child would probably have a foster care parent far sooner than they would the surrogate so that's something you might want to take into consideration as you are going through that process. Especially if you are going to get delays that would be the biggest issue

that you would probably have. At that time we would suggest that you work with your division of family services social worker. I have got a couple of more questions. The next one is, if you have students that are not foster students but are being residentially placed in your district with legal guardians, still being the parent outside of the district, who is responsible for transportation and who is legally responsible for signing documents? There's no more documentation in place or on file. Well, in that case, if there is no legal paperwork in place, then they are not legal guardians of that student. Then the parent would still be responsible for that student if they weren't in foster care. So to make sure we have this correct. If we have a student who does not have a foster care parent, they are not in the foster care system I'm assuming is the question and they have what you are considering legal guardians, then the legal guardians are then taking the place of that parent. But if there's no court documentation in place or on file, then they are really not legal guardians. Chances are mom or dad has just turned that child over to this particular parent or grandparent or maybe a friend, and said oh, they are the legal guardians. Legal guardianship, it is a lot more complicated than here is my child. You take over being the responsible party. You are the legal guardian. Legal guardianship requires you to go in front of a judge. You will have your own attorney. The child have an attorney. Parents will have an attorney and that's when the legal guardianship goes in place. You would have paperwork if there were legal guardianships in place for that student. If there are no legal guardian papers in place, chances are that student is an unaccompanied youth. Unaccompanied youth is anyone who is presenting themselves to you or your school district and they are not in the custody of their parent. So if you have an unaccompanied youth, at that point in time they would be eligible for services in McKinney-Vento but they would -- and that is immediate enrollment for that student, but they would not be foster care parents unless they have foster care parents in place. I hope that answers the question. The next question we have isn't both the CD worker, the legal guardian and foster parents both that have rights to sign paperwork? So Bev is saying in Missouri state plan, it is saying that whoever has legal custody of that child. In that case it would fall with the foster care parent to be that educational decision right. If the child had not gone through adjudication and the foster parent wasn't in place, then the social worker may be able to step in and sign that paperwork and temporarily sign that paperwork. The next question we have is would they be considered homeless if there is no legal paperwork? They probably would be. That's a good question. If there's no paperwork involved, family services isn't involved, the child isn't part of the foster service network and there is no legal paperwork for legal guardianship, then they are probably an unaccompanied youth and remember there's no age limit for unaccompanied youth. I think people get confused when they think of unaccompanied youth because they

typically think of older students that are high school aged, but there is no age limit for unaccompanied youth. If you have a child, as I said earlier, that comes into your district without a foster care parent or legal guardian then they are an unaccompanied youth, they would be considered homeless. You are correct. The next question we have is please clarify will it be the Children's Division case manager as the guardian or the foster care Parent completing the enrollment process? It could be both, from what we're seeing from the school district student point. I think that's a question that we would turn over to the Children's Division to answer and we would post it in our Q and A. So are there any more questions for us out there? We're trying to get them answered, and I think we've got most of them. Hold on just a second. When youth are exiting out of care, can records to be expedited under the foster care Bill? I do not believe that there is actually anything that says anything about expediting them under the foster care Bill of rights. It just says that they have a certain amount of time to get those. I'm trying to look at the law real quick here to see if there's -- there's nothing in the Senate Bill 291 that expedites student records. The only thing it says is that the requests for records have to be given within two business days of a foster care student's placement in a school. So I'm assuming that there's nothing that says that they have to expedite records when a student is leaving foster care. I mean I would assume it would be similar to other students. So yes, within that two- to five-day limit. Then we have another question. Hold on, we're trying to get that opened in the pane. Just to clarify. In the case of a child that lives with grandparents or other relatives, even a friend, that parent has turned the child over to but no legal process has taken place, can the person with whom the child lives sign Special Education paperwork? The answer is yes. At that time what we have is an unaccompanied youth. If they are living with a relative or a family friend, that is something that they would be allowed to do is sign paperwork for that child. The next question we have is but if children's youth services is involved, but again no court order placing them, just the parent is okay if the student to go living elsewhere outside of the home, would that still be an unaccompanied youth? I guess we're a little confused on our end about the children's youth services. If they are involved, would the child just have walked out of a youth service facility? Is that what you are asking? We're not for sure. If the parent is okay with the student going to live outside of the home, would they still be an unaccompanied youth? Yes. If this isn't what you are trying to get to us, ask another question. If you have a student, let's say we have a 15-year-old student and that student no longer wants to live at home or the parent makes that child feel like they are no longer welcome at home, and the child feels like the only thing that they can do is leave home, and they go to live with someone else, then that child is still considered an unaccompanied youth. A good way to look as far as McKinney-Vento, you look to your left and you look to your right and you have no parent when that child

is enrolling in school, then they are an unaccompanied youth. The next question we have what is the minimum amount of information needed to have any child begin classes? When they are enrolled, they are enrolled. They are attending classes. If you are talking about McKinney-Vento, one of the minimum amounts of information that they are able to get via the law from McKinney-Vento is contact information. What we mean by that is contact information so when that student is left in your care during the day, what happens if they fall on the playground and require stitches, how do we get a hold of someone who is legally responsible for that child? So contact information for McKinney-Vento would be the minimum amount of paperwork needed. If you had the unaccompanied youth who came in, there is nothing under McKinney-Vento that you are required to have other than the contact information. So as far as foster care kids, they would not be considered McKinney-Vento eligible and you should have a social worker who has got that information that you need. So as far as a minimum amount of information needed, other than McKinney-Vento for foster care kids, it would be like any other student coming into your district. Then we have another question about -- the question is when significant behaviors are present and/or there's a history of mental health problems, who is responsible for the direct mental health services and what is the role of the school? I guess it could include it if it was in the IEP. So if you went back to the IEP and those mental health problems were addressed in the IEP saying that this district was responsible for it, then we would go back to the IEP and the district would then be responsible for those mental health services. If your student is lucky enough to live in a district that has a system of care, that's where those agencies are working together as one entity, it is coordinated with everyone, then that would be a starting point for you. If you have questions about systems of care, you can always contact Bev and she would get you into touch with that system if you are a part of it. And the DMH, department of mental health also has that available on their website so that you could get a contact information for that. Cindy, did that answer your question? I think we tried to answer that one the best we could. It is a tough question, yeah, it is, because especially if you are talking severe mental health issues. As Bev is pointing out to me, since you are a mandated reporter, there are certain things that we would have to do. So if you have specific questions about a specific student, you might want to talk to Bev. But she will address that question on the Q and A. We're waiting -- we'll wait probably about two more minutes for questions, and then after that we'll post the Q and A and the webinar on-line so you can either listen to it later or you can refer back to it for questions and answers. As we've said earlier, if you have some more specific questions about a particular student or a situation that you would like to talk to us about, you can certainly contact Bev or myself here at the department of education. Well, that concludes our webinar for today. And as we've said earlier, if you need more questions

answered or if you think about things after we leave the webinar and you wished you would have asked that question or you just want to e-mail us something that you have a particular question about a student with and you don't want to get into it with the webinar scans, please feel free to e-mail or write us and we have -- we'll post these on the web as soon as we can and you can always refer back to the webinar and the Q and A that will also be attached to it. I hope you all have a good week and a great start to your Monday. Thanks for joining us today for our webinar.